

MARCIA A. DEVON
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P. O. Box 3781
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FACSIMILE TRANSMISSION COVER SHEET

TO: Ms. Stokes, Manager

COMPANY/FIRM NAME: USPTO

FAX NUMBER: 703 746 6603

FROM: MARCIA A. DEVON, Attorney at Law

NUMBER OF PAGES TRANSMITTED (Including This Page): 7

SHOULD THERE BE PROBLEMS WITH RECEIVING THIS TRANSMISSION,

Please telephone (562) 495-4000

MESSAGE:

I am sending my declaration, the postcard receipt, my April 13, 2001 letter indicating my response to the Notice to File Corrected Application. As I sent the Corrections before I received the Notice dated May 25, 2001, the Notice on which the abandonment is based appears to be an error.

Thank you for your assistance in expediting this application for my client and me.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to Marcia Devon at the above address via the U.S. Postal Service at our expense. Thank you

MARCIA A. DEVON
ATTORNEY AT LAW
400 OCEANGATE SUITE 800
LONG BEACH, CALIFORNIA 90802

TELEPHONE: (562) 495-4000

FAX: (562) 521-0221

September 9, 2002

To: U.S. Patent & Trademark Office
Washington D.C. 20231

Re: U.S. Patent Application No. 09/757,855
Inventor: Rabello

I, Marcia A. Devon, declare as follows:

1. I am a patent attorney duly licensed to practice before the U.S. Patent & Trademark Office under Reg. 31, 947. I represent Billy Pak Rabello in connection with the above-referenced application.
2. I received a Notice to File Corrected Application Paper on February 28, 2001. I responded on April 11, 2001 to the Notice by filing another copy of the application with the Claims beginning on a separate page.
3. I also sent a copy of the Abstract on a separate page. However, I noted in my April 13, 2001 letter that the application as originally filed had the Abstract on a separate page.
4. On April 13, 2001, I mailed to the USPTO the following as noted in my postcard (copy attached) which was stamped received by the USPTO on April 16, 2001:
 - (i) Patent Application with Claims beginning on separate sheet and Abstract on separate page
 - (ii) Copy of Notice to File Corrected Application
 - (iii) Letter from M.Devon dated 4/13/01 Requesting Corrected Filing Receipt
5. On October 30, 2001, I sent a Notice of Change of Address for the present case notifying the USPTO of my recent change of address. (A copy is attached hereto) I also notified the Office of Enrollment and Discipline of the USPTO of my change of address. I later applied for and received a customer number of 000033303 in June, 2002.
6. Approximately 6 weeks ago, I was concerned because I had not received a first Office Action on the Rabello patent application referenced herein. I telephoned a customer service number, spoke to a woman, and was advised that the application was pending awaiting a response. I

USPTO
Re: U.S. Application Serial No. 09/757,855
September 9, 2002
Page 2 of 2

inquired whether she meant a responsive action from the Examiner. The woman in customer service replied in the affirmative.

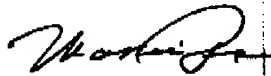
7. I received a Notice of Abandonment of the present application on September 5, 2002. The Notice had been forwarded from my prior address.

8. I immediately telephoned the USPTO and was faxed the Notice to File Corrected Application Papers mailed May 25, 2001. The Notice was identical to the one I had already responded to on April 13, 2001. I do not understand why I was sent two identical Notices to File Corrected Application, nor do I understand why I was sent a Notice indicating that the Abstract was not on a separate page when the originally-filed application had the Abstract on a separate page already.

9. Applicant respectfully submits that the application should not have been abandoned and was certainly not abandoned due to any fault of Applicant's.

10. The undersigned understands that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: September 9, 2002



Attorney for Applicant



Billy Rabello
Serial # 09/757, 855

Patent Application w/ Claims
beginning on separate sheet &
Abstract on separate sheet

App - Notice to File Corrected App.
Letter from M. Devin dated 4/15/01
Requesting Corrected Filing Receipt

MARCIA A. DEVON
ATTORNEY AT LAW
400 OCEANGATE SUITE 800
LONG BEACH, CALIFORNIA 90802

TELEPHONE: (562) 495-4000

FAX: (562) 621-0221

September 9, 2002

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Inventor: Rabello

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USPTO

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September 9, 2002

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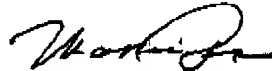
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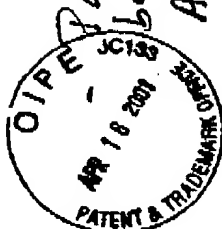
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Dated: September 9, 2002



Attorney for Applicant

Billy Rebellio
Serial # 09/757,855



Patent Application w/ Claims
beginning on separate sheet &
Abstract on separate sheet

copy - Notice to File Corrected App.

- Letter from M. Devin dated 4/19/01
Requesting Corrected Filing Receipt

MARCIA A. DEVON
ATTORNEY AT LAW
PATENTS, COPYRIGHTS & TRADEMARKS
P.O. Box 3781
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April 13, 2001

Office of Initial Patent Examination
Customer Service Center
U.S. Patent & Trademark Office
Washington D.C. 20231

Re: Patent Application Serial No. 09/757,855
Billy Pak Rabello

Dear Sir/Madam:

There is an error on the filing receipt: the important fact of the application filing date. The patent application was deposited in express mail #EF272391125US on January 10, 2001 and a certificate of express mail was filed with the documents. Therefore, the correct filing date is January 10, 2001, not January 11, 2001. Please provide a corrected filing receipt.

In addition, in response to the Notice to file Corrected Papers, I am filing another copy of the application with the Claims beginning on a separate sheet. However, the originally-filed application did have the Abstract on a separate page. Thank you for your attention to correcting the filing receipt and processing the application.

Very truly yours,

MARCIA DEVON

MD/tbm

cc: Billy P. Rabello

Encl. patent app.